

REMARKS

This Amendment is being submitted under 37 CFR 1.114 and is responsive to the Office Action mailed April 7, 2006.

Claim Objections

The Examiner has noticed some clerical errors, in claims 47, 55, and 65, which have been corrected. Applicant thanks the Examiner for noticing these errors.

Section 102 Rejections

Claims 42 - 45, 47 - 49, 52, 55 - 57, 62 - 63, 65 - 67, and 72 - 74 stand rejected under 35 USC §102(b) as being anticipated by Rassman et al., U.S. Patent No. 4,937,743 ("Rassman").

Claim 42 is the broadest claim. While Applicant agrees with the Examiner that displays such as Figure 1 in Rassman are contemplated by claim 42 and fall within its scope, Rassman clearly does not describe clicking in the structures shown in its displays to enter scheduling information, as would be required to anticipate claim 42.

Discussion

The Examiner asserts that the claimed clicking of a "clickable space" according to claim 42 is "taught as the inputting, modifying, handling, and accessing of data through known methods and techniques, such as selecting an area on a display with a mouse."

This is not true according to Rassman. Claim 42 requires:

providing, for each unique combination of said time-slots and potential appointments, a clickable space; and

clicking a first selected one of said clickable spaces to select a first one of said combinations and thereby schedule the corresponding appointment.

To function as claimed, Rassman would have to function like this (With reference to Figure 1 in Rassman): "Rm 1" would be identified as having been scheduled for the time period 7:00 to 8:45 shown in Figure 1 by clicking in the space labeled "Case abc." However, inspection of the text of the Rassman disclosure shows no such suggestion. To the contrary, Rassman describes how scheduling is accomplished and it is clear that Rassman does not function like this.

Rassman's discussion of how its displays are used begins at column 8, line 53 and runs to the end of the description, through column 15, line 20. In these 3+ pages of text, Rassman describes various ways in which the displays shown in Figures 1 - 9 are used for displaying information stored in a database. Rassman never describes these displays as being mechanisms for entering data into a database, particularly scheduling information.

So it is not necessary to go any further--claim 42 is not anticipated by Rassman because anticipation requires that each and every element claim is described, either expressly or inherently, i.e., as a necessary consequence of what is expressly described. It is not a necessary consequence of the known use of a mouse or other standard forms of data entry that the computer program

described in Rassman would be written so as to allow clicking in one of the boxes of the display shown in Figure 1, for example, to cause scheduling information to be input to a database.

While it is not necessary to analyze Rassman further, further analysis makes it even more clear that Rassman does not function as alleged by the Examiner.

Particularly, while Rassman does not say very much about how data are entered into its database (apparently because this is not particularly pertinent to the invention in Rassman), at col. 6, lines 51 - 53, Rassman states the following:

The operator loads this information into the data base [sic] in any conventional manner and then proceeds to schedule the various resources.

Two types of information are referred to in the cited passage. The first (i.e., “this information”) is the information described in the immediately preceding paragraph, such as: “information . . . concerning needs or requests for use of . . . resources [and,] other commitments involving personnel.” Col. 6, lines 39 - 50.

The second type of information is scheduling information (i.e., “the operator then proceeds to schedule the various resources”).

In parallel with this passage, at col. 4, line 36 - col. 5, line 5, Rassman explains that there are two databases, one for storing the first type of information (i.e., the “primary” database as described at col. 4, lines 36 - 65) and one for storing the second type of information, i.e., the scheduling information (referred to as a “supplemental” or “transitory” database and described at col. 4, line 66 - col. 5, line 5).

So Rassman is saying that information, including scheduling information, is entered into databases. The databases are apparently standard databases--there is certainly nothing in Rassman to suggest that the "primary" and "supplemental" databases are not standard databases or that they differ from standard databases in any identifiable way.

And standard databases would use standard means, or standard user interfaces, for entering data into the databases. It follows that the user interface for the particular database being used would in fact be used to enter data into that database.

Accordingly, Rassman teaches the following: scheduling is accomplished by entering scheduling information into a supplemental database by using whatever standard user interface is provided for that database; and the displays shown in Figures 1 - 9 are used to display the information stored in both the primary and the supplemental databases. Entirely consistent with this (and inconsistent with the allegation made by the Examiner) is that the displays shown in Figures 1 - 9 are not used to enter scheduling information, or any other type of information, into any database. Indeed, there is no recognized need or utility for using the displays in such a manner. Thus, Rassman does not disclose, teach, suggest, motivate or in any way comprehend the invention of claim 42.

According to the claims of the present application, scheduling an appointment at a particular time for a particular purpose or event (examples of a "potential appointment") requires clicking in a space displayed on a display that is uniquely associated with the particular time, on the one hand and the particular purpose or event, on the other. Prior to such clicking, a potential appointment is merely a potential--it is not a scheduled appointment and instead is shown as being available to be scheduled for an appointment.

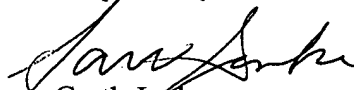
Contrast the claimed invention with, for example, Col. 9, lines 4 - 7 in Rassman, describing the display in Figure 1:

In FIG. 1, "Rm 1" can be taken to refer to a surgical operating room. At 07:00 in the morning "Case abc" is scheduled to occupy "Rm 1" until 08:45. Thereafter, "Case def" will be in "Rm 1" from 9:00 until 09:45.

What is shown in Figure 1 are appointments that have already been scheduled, no doubt as a result of entering scheduling information into a standard database by standard means. This is qualitatively and starkly different from what is being claimed.

Since the remaining claims only add additional subject matter, it is unnecessary to argue further about their patentability.

Respectfully submitted,



Garth Janke
Reg. No. 40,662
(503) 228-1841